

Louis LaTorre, Senior Director
Social Services/dra

AGENDA ITEM SUMMARY

DIVISION: COMMUNITY SERVICES

DEPARTMENT: SOCIAL SERVICES

ITEM BACKGROUND: The approval of this settlement will allow for payment of funds under Contract #KG-036 (7-1-02 through 2-28-03).

CONTRACT/AGREEMENT CHANGES: No

BUDGETED: YES X NO
SOURCE OF FUNDS: CCDA
 Contract #KG-036 for \$56,273.60
 And Grant Match acct.#125-6153702
 381001GT of \$6,252.61

APPROVED BY: COUNTY ATTY. X OMB/Purchasing X RISK MANAGEMENT X

James Malloch
JAMES MALLOCH

DISPOSITION: AGENDA ITEM#: C17

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

CONTRACT SUMMARY

Contract with: State of Florida/Department of
Children & Families

Settlement to Contract
#KG-036

Effective Date: July 1, 2002

Expiration Date: February 28, 2003

Contract Purpose/Description: Approval of Settlement Agreement between the State of Florida, Department of Children & Families and the Monroe County Board of County Commissioners/Monroe County Social Services (Monroe County In Home Service Program, The Case Management Agency). This will allow for payment of funds under Contract #KG-036 (7-1-02 through 2-28-03).

Contract Manager: *Deloris Simpson*
(Name)

4589

(Ext.)

Social Services/Stop 1

(Department/Stop #)

For BOCC meeting on 4/16/03

Agenda Deadline:

4/2/03

CONTRACT COSTS

Total Dollar Value of Contract: \$62,526.21 (Fiscal Year)

Current Year Portion: \$ _____

Budgeted? Yes ☒ No ☐

Account Codes:

Grant: \$ 56,273.60 (Fiscal Year)

County Match: \$ 6,252.61 (Fiscal Year)

ADDITIONAL COSTS

Estimated Ongoing Costs: \$ _____/yr
(Not included in dollar value above)

For: _____
(eg. Maintenance, utilities, janitorial, salaries, etc)

CONTRACT REVIEW

	Date In	Changes Needed	Reviewer	Date Out
Division Director	4/2/01	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>J. Malloch</i>	4/2/01
Risk Management	4/2/03	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>W. Jenkins</i>	4/2/03
O.M.B./Purchasing	4/2/03	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>4/2/03</i>	4/2/03
County Attorney	4-1-03	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>S. H. H.</i>	4/1/03

Comments: _____

**SETTLEMENT AGREEMENT
BETWEEN
FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES
AND
BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY**

THIS AGREEMENT, made this ____ day of _____, 2003, between the Florida Department of Children and Families, an agency of the State of Florida, 401 NW 2nd Avenue, Miami, Florida 33128, (hereinafter referred to as "**DEPARTMENT**"), and the Board of County Commissioners of Monroe County, Florida, (hereinafter referred to as "**PROVIDER**").

WHEREAS, on July 1, 2002, the **DEPARTMENT** and the **PROVIDER** entered into Contract # **KG036** to provide Community Care for Disabled Adults in Monroe County for the period of July 1, 2002 through June 30, 2003; and

WHEREAS, said contract provided for unit rates significantly less than the unit rates provided under similar contracts throughout the state of Florida; and

WHEREAS, this discrepancy led to an early termination of Contract # **KG036**, effective February 28, 2003; and

WHEREAS, the **PROVIDER** has performed the services requested by the **DEPARTMENT**; and

WHEREAS, the **DEPARTMENT** has not paid for the performance of said requested services; and

WHEREAS, the **PROVIDER** has made demand for payment for said services and the **DEPARTMENT** has determined that the Provider has asserted a colorable legal claim in support of its demand for payment for the services performed; and

WHEREAS, the **DEPARTMENT**, by entering into this agreement admits no liability for payment for the services performed by the **PROVIDER** under the contract;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The **PROVIDER**, for himself, his attorneys, heirs, executors, administrators, successors and assigns, does hereby fully finally and forever release and discharge the Florida Department of Children and Families, and their agents, representatives, and attorneys, of and from all claims, demands, actions, causes of action, suits, damages, losses, and expenses, of any and every nature whatsoever, arising out of or in any way related to the Contract and work performed thereunder, and any invoices for such work, including, but not limited to, those claims asserted or other claims that were or might have been asserted in any federal, state, or administrative action in any federal, state, or local agency or court, by or on behalf of the **PROVIDER**, against those parties hereinabove released relating to these facts or circumstances whatsoever.

Settlement Agreement

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

Page 2

2. The **DEPARTMENT** herein agrees to submit to the Comptroller of the State of Florida for payment of the lump sum amount of **Fifty Six Thousand Two Hundred Seventy Three Dollars and Sixty Cents (\$56,273.60)** in full and satisfaction of any amounts or costs associated with the services performed by the **PROVIDER** and any claims and invoices associated therewith, or with interest and costs and fees associated with the claim matters referenced herein.

3. This agreement is contingent upon approval by the Comptroller of the State of Florida. Until such approval is received, the **DEPARTMENT** has no obligation to make any payments pursuant to this agreement.

4. The parties to this agreement further agree and covenant that this agreement is binding on the parties, their heirs-at-law, and their assigns and successors in interest as evidenced by their signatures and lawful executions below.

5. All terms and conditions of this settlement as fully set forth in this document and no other material terms of settlement exist outside this document.

PROVIDER:
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

FLORIDA DEPARTMENT OF CHILDREN
AND FAMILIES

SIGNED _____

TITLE: Mayor/Chairperson

DATE _____

FID# 596000749029

(SEAL)

ATTEST: DANNY L. KOHLAGE, CLERK

SIGNED _____

Deputy Clerk

SIGNED _____

TITLE: Acting District Administrator

DATE _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature] 3/24/03
Assistant District Counsel

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY *[Signature]*
SUZANNE A. BUTTON

DATE 4/1/03



BOARD OF COUNTY COMMISSIONERS
MAYOR Dixie Spehar, District 1
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

Social Services Department
Gato Building, Room 1-204
1100 Simonton Street
Key West, FL 33040
(305) 292-4573 - Phone
(305) 292-4517 - Fax



VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 23, 2003

Ms. Theresa Phelan
Department of Children & Families
1111-12th Street #301
Key West, FL 33040

RE: Contract KG036; CCDA

Dear Ms. Phelan:

This letter is a notice of termination of the County's CCDA contract #KG036, to be effective February 28, 2003, in accordance with paragraph III.B.I of said contract, which will give you more than thirty days notice.

As you are probably aware, the existing contract includes rates at about half the amount being provided for the rest of the State, notwithstanding Monroe County having the highest cost of living in the State. There is no doubt that miscommunication resulted in such inappropriate rates placed in our contract and to the rates not coming to the attention of our respective administrations until recently. It is my understanding that the Department is willing to re-negotiate the rates for the future and that the Department is willing to consider a settlement agreement to address the rates through the date of termination of this contract.

The February 28th termination of the existing contract will require the new contract to be approved effective March 1, 2003 through June 30, 2003. We expect this to be approved at the next Commission meeting, February 19th, based on the new rates.

Please contact Mr. LaTorre at 292-4573 or Ms. Hutton at 292-3470 to facilitate the creation and approval of the new contract.

Sincerely,

James L. Roberts
County Administrator

Cc: Jerry Regler, Secretary DCF
Hon. Ken Sorensen
Lucy Hadi, Deputy Secretary, DCF
Dr. Samara Navarro, Director Adult Services, DCF
Louis LaTorre, Monroe County In-Home Services

RECEIVED

JAN 24 2003

Dept. of Children and Families
1111 12th Street, Suite 304
Key West, FL 33040



BOARD OF COUNTY COMMISSIONERS

MAYOR Dixie Spehar, District 1
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

In Home Services
1100 Simonton St.
Key West, FL 33040
(305) 292-4583
(305) 292-4481 FAX

January 23, 2003

Ms. Charla Rodriguez, Sub-District Administrator
Department of Children & Families
1111 12th Street
Suite 310
Key West, FL 33040

Dear Ms. Rodriguez:

Monroe County would like to clarify for all involved parties the most recent agreement reached between the Department of Children and Families and Monroe County In-Home Services.

The rates and projected units for the time period July 1, 2002 – Feb 28, 2003 are based on the 2001-2002 CCDA contract:

<u>Services</u>	<u>Unit Rate</u>	<u>Units of service (projected)</u>	<u>Total</u>
Case Management	\$ 44.498	198.0	\$8,799.48
Homemaking	\$ 26.361	676.0	\$18,009.21
Meals	\$ 6.732	3026.0	\$20,371.03
Chore	\$ 33.859	90.0	\$3,038.54
Personal Care	\$ 32.976	177.0	<u>\$5,844.99</u>
			\$56,063.55

Monroe County legal staff will be negotiating a settlement agreement. The settlement will include the current rates stated above and the units of services provided for the above period of time. Be advised that as of today's date, Monroe County In-Home Services has not been reimbursed for any funds for services that have been rendered, since July 1, 2002. We expect in the settlement that we will be reimbursed fully for these services.

The rates and projected units from March 1, 2003 – June 30, 2003 that are being proposed are as follows:

<u>Services</u>	<u>Unit Rate</u>	<u>Units of service (projected)</u>	<u>Total</u>
Case Management	\$47.64	124.0	\$5,907.36
Homemaking	\$26.64	338.0	\$9,004.32
Meals	\$ 6.67	1892.0	\$12,619.64
Chore	\$ 35.51	60.0	\$2,130.60
Personal Care	\$ 50.78	118.0	<u>\$5,992.04</u>
			\$35,653.96

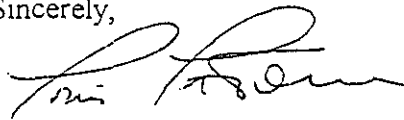
Based on the above rates and units (projected) the total costs agrees with the Department of Children & Families appropriation of CCDA funds awarded (\$91,713.00) to Monroe County for FY 2002-2003.

Monroe County will need the new contract that includes the above rates and units in our office no later then Feb. 3, 2003, so that the contract could be agenda for approval at the next County Commission meeting on February 19, 2003. The Department of Social Services has enjoyed working closely with the Department of Children and Families throughout the years and will continue to do so.

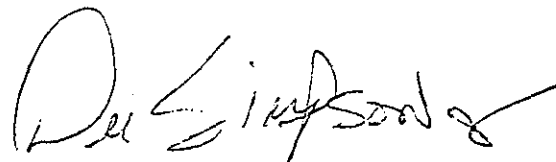
Our primary goal is to service the Disabled Adults in Monroe County and provide the best quality of care as possible. Please be advised that we will not be taking on any new CCDA Clients nor providing additional services. But however, a waiting list will be established, which has previously not been done in prior years. It's our goal to continue to provide services to our clients within the fiscal restraints of the current rate changes.

In closing, we would like to sincerely thank State Representative Ken Sorenson and Secretary Jerry Regler for their time, understanding and attention in this extremely difficult and important issue. Without their help this agreement would not have been resolved.

Sincerely,



Louis LaTorre, Director
Monroe County Social Services



Deloris Simpson, Senior Administrator
Monroe County In-Home Services

Cc: Representative Ken Sorenson, Miami-Dade, Monroe Counties
Secretary Jerry Regler, Department of Children & Families
James Roberts, Administrator, Monroe County
James Malloch, Director, Monroe County Community Services
Suzanne Hutton, Attorney, Monroe County
Theresa Phelan, Contract Manager, Department of Children & Families
Elena Herrera, Program Administrator, Dept. of Children & Families
Josafina Swiman, Program Administrator, Dept. of Children & Families
Dr. Sampara Navarro, Director of Adult Services, DCF

ORIGINAL INVOICE

DATE 03/18/03

CCDA

FOR THE MONTH OF July 02-Feb.03

MONROE COUNTY IN HOME SERVICES
GATO BUILDING
1100 SIMONTON STREET
KEY WEST FL 33040

STATE CCDA CONTRACT KG-036 FY 02/03

July 1, 2002 through February 28, 2003
PERIOD OF SERVICE PROVISION

<u>SERVICE</u>	<u># UNITS</u>	<u>AMOUNT PER UNIT</u>	<u>AMOUNT DUE</u>
CASE MANAGEMENT	179.5	44.498	7,987.39
HOMEMAKING	699	26.631	18,615.07
HOME DELIVERED MEALS	3026	6.732	20,371.04
CHORE	85	33.859	2,878.02
PERSONAL CARE	194.75	32.976	6,422.08
RESPIRE	0	0	0.00
		TOTAL DUE	56,273.60

SIGNATURE OF PROVIDER
DELORIS SIMPSON

APPROVAL SIGNATURE OF CONTRACT MANAGER

3-18-03
DATE APPROVED

DATE INVOICE REC'D

DATE GOODS/SERVICES REC'D

DATE GOODS INSPECTED & APPROVED

APPROVED BY

\$

CAT 100603
OCA VW 0000

MONROE COUNTY IN HOME SERVICES
GATO BUILDING
1100 SIMONTON STREET
KEY WEST FL 33040
STATE CCDA CONTRACT KG-034 FY 02/03
MONTH: July 02-Feb.03

STATE OF FLORIDA COMMUNITY CARE FOR DISABLED ADULTS

TOTAL UNITS OF SERVICE PROVIDED:

GROSS RATES:

CASE MANAGEMENT	179.5 UNITS X \$	49.4422	\$8,874.87
HOMEMAKING	699 UNITS X \$	29.59	\$20,683.41
MEALS	3026 UNITS X \$	7.48	\$22,634.48
CHORE	85 UNITS X \$	37.6211	\$3,197.79
PERSONAL CARE	194.75 UNITS X \$	36.64	\$7,135.64
RESPIRE	0 UNITS X \$	0	\$0.00

TOTAL COST

\$62,526.19

=====

COUNTY MATCH:

CASE MANAGEMENT	179.5 UNITS X \$	4.9442	\$887.48
HOMEMAKING	699 UNITS X \$	2.959	\$2,068.34
MEALS	3026 UNITS X \$	0.748	\$2,263.45
CHORE	85 UNITS X \$	3.7621	\$319.78
PERSONAL CARE	194.75 UNITS X \$	3.664	\$713.56
RESPIRE	0 UNITS X \$	0	\$0.00

TOTAL COUNTY COST

\$6,252.61

=====

NET RATES:

CASE MANAGEMENT	179.5 UNITS X \$	44.498	\$7,987.39
HOMEMAKING	699 UNITS X \$	26.631	\$18,615.07
MEALS	3026 UNITS X \$	6.732	\$20,371.04
CHORE	85 UNITS X \$	33.859	\$2,878.02
PERSONAL CARE	194.75 UNITS X \$	32.976	\$6,422.08
RESPIRE	0 UNITS X \$	0	\$0.00

TOTAL STATE COST

\$56,273.60

=====